IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1120 OF 2001

IN

CHAMBER SUMMONS NO.1571 OF 2000

IN

SUIT NO.5007 OF 1994

Correa Investments Ltd. ...Appellants

v/s

William and Williams and anr. ...Respondents

Mr H.J. Thakkar, Sr. Counsel with Ms Geeta Shastri for Appellants.

Mr D.R. Mehta with Ms F.A. Diamondwala for Respondents.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 16TH OCTOBER 2007.

P.C. :-

1. On a motion made by the respondents, chamber summons No.1571 of 2000 which was taken out by the respondents is permitted to be withdrawn with liberty to take out a fresh chamber summons for seeking amendment in the plaint only to the extent what is contained in paragraphs 1 and 6 of the schedule attached to the chamber summons No.1571 of 2000. As the chamber summons No.1571 of 2000 has been withdrawn, the order passed by the learned Single Judge on that chamber summons dated 3rd October 2001 does not survive. As a consequence, this appeal is rendered infructuous. It is made clear that in case a chamber summons is taken out by the respondents for seeking amendment in the plaint, pursuant to the liberty granted by us, the same shall be decided by the learned Single Judge on its own merits without being influenced either by this order or by order which was impugned in the appeal. All contentions available for both the sides are kept open in chamber summons which would be taken out by the respondents.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)